WILSON SONSINI

Amy H. Candido

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FOCUS AREAS

Artificial Intelligence and Machine Learning

Communications and Networking

Internet Strategy and Litigation

Life Sciences

Litigation

Patent Litigation

Trade Secret Litigation

Trial

EXPERIENCE

Amy Candido is a trial lawyer who focuses on high-stakes, complex intellectual property matters. She has extensive experience litigating patents, trade secrets, copyrights, and other IP in "bet the company" cases nationwide on behalf of both plaintiffs and defendants. Amy has tried numerous jury and bench trials, securing courtroom victories in a variety of difficult cases. Her trial victories include *The National Law Journal's* Top Verdict of 2014 and three complete defense verdicts in the Eastern District of Texas.

While successfully leading many of the largest and most important IP litigation matters over the past two decades, Amy has also become a trusted advisor to technology companies of all sizes. Her clients have ranged from market leaders to innovative start-ups in a diverse array of industries, including the mobility, internet, mobile, computer hardware and software, semiconductor, networking, storage, aerospace, gaming, and life sciences sectors. In addition to IP, Amy has litigated antitrust, securities, employment, and complex commercial cases. She practices in federal and state courts throughout the United States, as well as before the International Trade Commission.

Amy regularly speaks and publishes on a wide range of IP topics, including trade secrets, damages, and the intersection of IP and antitrust. Since 2019, she has served as a member of the drafting group on monetary remedies in trade secret litigation for the Sedona Conference's Working Group on trade secret law, an effort by judges, academics, and practitioners to promulgate recommendations on various aspects of the law. She is now leading the Sedona Conference's Working Group to develop standardized jury instructions for federal Defend Trade Secrets Act (DTSA) trials.

Prior to joining the firm, Amy was a partner at Quinn Emanuel Urquhart & Sullivan, LLP in San Francisco. Earlier in her career, she practiced general litigation for seven years at Cravath, Swaine & Moore LLP, in New York.

CREDENTIALS

Education

- J.D., University of Chicago Law School, 1997
  With Honors
- A.B., English and Government, Dartmouth College, 1994
  Cum Laude, With Highest Honors in Government

Honors

- Recognized as a "Recommended" practitioner in WIPR's 2024 Global Trade Secrets Rankings
- Named among the 2023 "Top Trade Secrets Lawyers" by the *Daily Journal*
- Recognized by *Law360* as one of five "Intellectual Property Rising Stars" under 40 nationwide in 2012
- Named among the "Top 100 Women Litigators in California" by the *Daily Journal* in 2012

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- Amy's trial victories have been recognized with *Benchmark Litigation's* National Impact Case Award in 2019, *The Recorder's* "Game Changer" Award in 2016, *Managing IP North America's* Milestone Case of the Year in 2014, *The National Law Journal's* Top Verdict of 2014, the *Daily Journal's* Top 10 Plaintiff Verdict by Dollar in 2014, and *The Recorder's* Top California Verdict of 2014

Admissions

- State Bar of California
- State Bar of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of Texas
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Federal Circuit

MATTERS

Select Trial Victories

- Represented plaintiff Viasat as trial counsel against defendants Space Systems/Loral (SS/L) and Loral Space & Communications in a complex patent and breach of contract lawsuit in the Southern District of California involving high-speed satellite technology capable of providing broadband services to consumers and businesses. Viasat asserted that its patented and proprietary satellite technology was misappropriated by defendants to build a competing satellite in violation of Viasat's patent rights and confidentiality agreements. After a three-week jury trial, obtained a jury verdict of $283 million for Viasat. Jury found that SS/L infringed all asserted patent claims and breached its contractual obligations to Viasat.*
- Represented defendant Google as trial counsel against plaintiff Function Media in a patent infringement lawsuit in the Eastern District of Texas involving content-based internet advertising technology. Took over the case from another firm only five months before trial and less than one month before the claim construction hearing. Obtained a complete defense jury verdict of patent invalidity and non-infringement, defeating plaintiff's claim for over $600 million in damages.*
- Represented defendant Google as trial counsel against plaintiff Bright Response in a patent infringement lawsuit in the Eastern District of Texas involving artificial intelligence software for use in internet advertising. Obtained a defense jury verdict of patent invalidity and non-infringement, defeating plaintiff's claim for $128 million in damages.*
- Obtained a defense jury verdict of patent non-infringement for a major software technology company in an Eastern District of Texas trial involving software for processing the online payment for, and distribution of content from, online stores, such as apps, videos, and music, in which plaintiff sought $300 million in damages.*
- Represented plaintiff Waymo LLC in a high-profile trade secret misappropriation and patent infringement action in the Northern District of California related to Waymo's LiDAR (Light Detection and Ranging) and self-driving technology against Uber Technologies, Inc. and Ottomotto LLC. On the fourth day of trial, the parties settled the litigation, with Uber granting Waymo a percentage of equity in Uber (valued at $245 million), as well as injunctive relief that ensures Uber will not use Waymo's trade secret hardware and software self-driving car technology.*
- Represented respondent HTC and third party Google as trial counsel in an ITC investigation (337-TA-710) initiated by Apple involving 10 patents covering object-oriented operating systems, real-time processing, user interface, and networking technologies. Five patents were dismissed prior to trial, and one additional patent was dismissed during trial. Staff attorney recommended no violation for all patents. Obtained final determination of no violation for three patents asserted by Apple at trial. All patent claims defended by the firm were determined to be not infringed and invalid. HTC's market capitalization increased by over $2 billion in two days following the final determination.*
- Represented respondent HTC and third party Google as trial counsel in an ITC investigation (337-TA-797) initiated by Apple involving five patents covering multi-finger gestures, sensor-based rotation of user interface, and touch-panel sensor design. One of the patents was dismissed by Apple prior to trial. Shortly before the initial determination was due, Apple settled with HTC, resulting in a 10-year cross-license with HTC reporting no material financial impact on its business. This was the first major settlement involving Apple's claims against Android-based smartphone and tablet manufacturers.*

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- Represented defendant IBM as trial counsel in a patent infringement lawsuit against plaintiff Acqis in the Eastern District of Texas concerning blade server computer systems. The matter was settled favorably after a five-day jury trial.*
- Obtained complete victory for national automobile retailer and private equity firm clients after a one-week arbitration with the estate of automobile retailer's deceased chief executive regarding employment compensation and benefits.*

Select Pre-Trial Victories

- Lead counsel for defendant Convoy, Inc., a digital freight network, against plaintiff DAT Solutions, LLC, the country's dominant trucking-lane data provider, in a trade secret misappropriation case regarding trucking industry data. Obtained a rare ruling in Oregon imposing a pre-discovery trade secret identification requirement. *See DAT Sols., LLC v. Convoy, Inc.*, 2022 U.S. Dist. LEXIS 150655 (D. Or. 2022). Successfully defended Convoy's antitrust counterclaims against DAT's motion to dismiss while also obtaining dismissal of DAT's claims. *See DAT Sols., LLC v. Convoy*, 2023 WL 3058057 (D. Or. 2023) (also finding UTSA preemption under Delaware law). Shortly thereafter, Convoy settled the matter favorably in a confidential settlement.
- Lead counsel for defendant Pinterest, Inc. against plaintiff Concept Engineering, LLC, in an action alleging copyright infringement and improper removal of copyright management information. Obtained a stay of the District of Delaware litigation under §3 of the Federal Arbitration Act pending resolution of arbitration before the American Arbitration Association by enforcing Pinterest's terms of service.
- Lead counsel for Carrum Health as plaintiff in a declaratory judgment action against MDsave Shared Services for non-infringement of five patents related to online health services. After a multi-year campaign accusing Carrum of infringement and demanding significant royalties, MDsave and Carrum reached a confidential agreement and Carrum agreed to dismiss its action.
- Lead counsel for Alphabet, Inc. in three Central District of California actions brought by Havensight Capital, LLC, a private equity fund. Obtained three efficient dismissals and an order designating the plaintiff a vexatious litigant. Obtained affirmance on appeal to the Ninth Circuit. After Havensight filed new actions in the District of Columbia and the Southern District of New York, obtained a rare nationwide vexatious litigant order.
- Represented Google and YouTube in a putative class action alleging copyright infringement and improper removal of copyright management information (CMI) in violation of 17 U.S.C. §1202. After extensive discovery proceedings, the court rejected Plaintiff's motion for class certification, holding that neither the copyright claim nor the CMI claim was an appropriate candidate for class treatment given the myriad individualized issues those claims entail. *Schneider v. Google LLC*, 2023 WL 3605981 (N.D. Cal. May 2023). After the Ninth Circuit rejected the Plaintiffs' request for interlocutory review of the class certification denial, the Plaintiffs dismissed their claims.
- Represented defendant Bally Technologies, designer of slot machines and player tracking units, in a patent infringement action against plaintiff IGT in the District of Nevada. Obtained summary judgment dismissing all five asserted patents based on a combination of rulings of non-infringement and invalidity, where IGT had sought damages in excess of $350 million. Obtained affirmance of rulings on appeal to the Federal Circuit.*
- Obtained dismissal with prejudice for defendant computer company in patent infringement action in the Northern District of California.*
- Obtained summary judgment for defendant broker-dealer in contract dispute with plaintiff hedge fund.*
- Obtained summary judgment in the Southern District of New York for defendant that corporate restructuring did not vest plaintiff former employees' stock options and successfully defended appeal to the Second Circuit.*

** Denotes experience at another firm prior to joining Wilson Sonsini in 2021.*

INSIGHTS

Select Publications

- Co-author, "Notable Developments in Trade Secret Damages," Practising Law Institute, October 2022
- Co-editor, "The Sedona Conference Commentary on Monetary Remedies in Trade Secret Litigation," The Sedona Conference, May 2022
- Author, "'Flexible and Imaginative' Approaches to Measuring Trade Secret Damages In Nascent Markets," Practising Law Institute, October 2021
- Author, "Trade Secret Misappropriation Damages in Nascent Markets: Does Every Wrong Get a Right?" Practising Law Institute, October 2020

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- Author, “INSIGHT: 13 Steps for Protecting Trade Secrets During Remote Work,” Bloomberg Law, July 10, 2020
- Author, “‘Reasonable Measures’ To Protect Trade Secrets At Risk With Employees Working-From-Home Amid Covid-19 Crisis,” Quinn Emanuel Client Alert, April 2020
- Co-author, “Proving Damages In Trade Secret Litigation,” American Intellectual Property Law Association, March 2020
- Author, “Trade Secret Misappropriation Damages in Nascent Markets: Does Every Wrong Get a Right?” Practising Law Institute, October 2019
- Author, “Desperately Seeking a Remedy: Damages for Trade Secret Misappropriation of Emerging Technologies,” Practising Law Institute, November 2018

Select Speaking Engagements

- Presenter, “Trade Secrets: How to Protect These Increasingly Important Assets,” Association of Corporate Counsel San Francisco Bay Area Life Sciences Conference, March 21, 2024
- Presenter, “Artificial Intelligence and Trade Secrets,” AIPLA Trade Secret Summit, March 15, 2024
- Presenter, "The Changing Shape of Trade Secrets Trials: What You Need to Know to Prepare For and Try Today's Trade Secrets Cases," American Intellectual Property Law Association, May 2023
- Presenter, "Know Your Worth: Assessing Damages in Trade Secret and Non-Compete Disputes," New York City Bar, December 2022
- Presenter, “IP Law Update and the Impact on In-House Counsel,” San Francisco Bay Area Chapter of the Association of Corporate Counsel, November 2022
- Presenter, “Advanced Trade Secrets 2022: New Risks, New Challenges, New Ideas,” Practising Law Institute, October 2022
- Presenter, “Monetary Remedies in Trade Secret Litigation,” The 2022 Sedona Conference on Trade Secrets, May 2022
- Presenter, "Advanced Trade Secrets Topics," American Intellectual Property Law Association, November 2021
- Presenter, “Advanced Trade Secrets 2021: New Risks, New Challenges, New Ideas,” Practising Law Institute, October 2021
- Presenter, “Trade Secrets in IP Litigation: Strategies for Disclosure and Protection in Discovery, Pre-Trial & Trial,” Strafford, July 2021
- Presenter, “Tailoring Remedies to the Misappropriation: Equitable Relief, Damages, or Both,” The 2021 Sedona Conference on Developing Guidelines for Trade Secret Issues, June 2021
- Presenter, “Advanced Trade Secrets: New Risks, New Challenges & Emerging Solutions,” Practising Law Institute, October 2020
- Presenter, “2020 Trade Secret Law Summit,” American Intellectual Property Law Association, August 2020
- Presenter, “Antitrust & Trade Secrets,” American Bar Association Antitrust Section IP Committee Program, May 2020
- Presenter, “Monetary Remedies in Trade Secret Disputes,” The Sedona Conference, November 2019
- Presenter, “Trade Secrets: What Every Lawyer Should Know,” Practising Law Institute, October 2019
- Presenter, “Trade Secrets 2018: What Every Lawyer Should Know,” Practising Law Institute, November 2018

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